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DEVELOPING COUNTY PARK AND RECREATION DEPARTMENTS

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Interest in establishment of county park and recreation departments in Indiana has accelerated rapidly in recent years. The number of county park and recreation departments increased from 9 in 1965 to 58 in 1978.

Several factors have contributed to this rapid growth in providing recreational services at the county level: steady influx of non-farm families to small towns and rural areas of the state; higher personal income; more free time and more mobility. In some cases the unwillingness or inability of the federal, state or city government to provide services has been an important consideration in establishing a county park and recreation board.

For most counties, a good way to begin evaluating the need for recreation facilities is to take an objective look at the total county scene, at the existing parks, waters and facilities for recreation, and at the potential that exists for improvement. To do this effectively a variety of individuals and groups should be consulted: existing recreation, conservation and wildlife groups, civic leaders, interested citizens, and elected officials. Out of such a survey may emerge an understanding of the need and the desire to work for a comprehensive program to protect, acquire and develop the county's park and recreation resources.

When the need for park and recreation services has been identified, the machinery for planning, organizing and developing a recreation plan should be set in motion. The

establishment of a county park and recreation board may be the answer since such boards are in a unique position to acquire land, and to provide an equitable tax base for fair-share financing for the development and maintenance of park and recreation programs and facilities. Besides, a park and recreation board can cooperate with similar federal, state, and local units of government to maximize the recreation potential of the county and avoid unnecessary overlap and duplication.

This publication will help answer some of the most frequently asked questions about the establishment of county park and recreation boards. It will also assist you to identify and combine the ingredients necessary for such a program.

HOW DO YOU DO IT?

Q. How do you create a County Department of Parks and Recreation?

A. It is the responsibility of the County Council to actually create the department by passing an ordinance under the provisions of "The Park and Recreation Law," Indiana Code 19-7-4-1 as amended. This ordinance, passed at a regular meeting of the council, does not require any petition or referendum. However, a great deal of "homework" is usually required to legitimize the project with relevant groups and agencies throughout the county.

Q. Who runs this department?

A. After the county council has established a Department of Parks and Recreation, the Circuit Court judge appoints a four-member board composed of no more than two from any one political party, and the mayor of the largest city, or, if there is no city in such county, the president of the board of trustees of the largest town in a county shall appoint one member. This board has the responsibility of operating the department.

Q. Can other people be on this board in addition to the five members appointed by the Circuit Court judge and the mayor?

A. In a county the ordinance may provide for one or two additional ex-officio members, as follows: a member appointed by the County

Council and a member appointed by the county Extension committee who may appoint the county Cooperative Extension agent, his assistant, or any member of the Extension Committee. Ex-officio members have all the rights of a member including the right to vote.

Q. How long does a board member serve?

A. The four initial members on the board are appointed for staggered terms of one, two, three and four years. After the first term expires, length of term is four years. The mayor's or president of the town board's appointment is coterminous with the office. The length of term for the other ex-officio members is determined by their term of office or by the organization they represent.

Q. How are officers of this board selected?

A. A president and vice-president shall be elected from members of the board at its first regular meeting each year. The board may select a secretary from their membership or from persons outside the board.

Q. How much pay do members of the board receive?

A. A member of the board may receive a salary not to exceed \$300 a year. The law permits members of the board to receive \$5.00 per diem for each meeting attended, but not to exceed \$10 per month. Provision is also made for some expenses if members attend meetings outside the county.

Q. Can members of agencies interested in recreation be represented on the board?

A. The board may create an advisory council composed of various citizens interested in the problems of parks and recreation in the county. In selecting this advisory council, all groups interested in the problems and opportunities in recreation should be considered. Upon invitation of the board, this advisory council may participate in board meetings, but members have no voting privileges.

Q. Can the board employ people to carry out their program?

A. Yes, the park board can employ a superintendent or any other help, whether full time or seasonal, needed to carry out the programs of the Park and Recreation Department.

Q. Is the "Park and Recreation Law" the only one available to counties?

A. No, counties may establish a board of parks and recreation under provisions of IC 17-1-26 (Acts of 1923, C. 189, s.1; as last amended by Acts 1947, C. 296, s.1), more commonly called the "1923 Act." It is also possible for cities of the first class to extend services on a countywide basis, but a referendum may be required.

Q. How does the "1923 Act" differ from "The Park and Recreation Law"?

A. The park and recreation department is created by petition to the county commissioner rather than by ordinance by the County Council. The 1923 Act says that the county has the duty to levy taxes to carry out the programs not to exceed 10 cents per \$100 of taxable property; no such duty is required in the park and recreation law. In the event a city or town in the county is already levying a park and recreation tax, they will not be taxed for the county program under the 1923 Act. The 1923 Act does not provide for a bipartisan board.

WHAT CAN A COUNTY PARK AND RECREATION BOARD DO?

Q. What is the first job of a County Department of Parks and Recreation?

A. First, this Department must develop both short and long-term plans for meeting recreation needs of county residents.

Q. How does this agency carry out its plans?

A. It has power to perform all acts necessary to acquire and develop recreation facilities that may be necessary or advisable in that county, such as: (1) lakes for swimming, fishing and other water-oriented recreation; (2) historical sites not developed by either state or federal governments, and landmarks that might be destroyed; (3) conducting recreation programs and activities of interest to county residents. In addition, this department may cooperate with state and federal agencies in developing large multiple-use county parks and reservoirs.

Q. How does a County Department of Parks and Recreation obtain the necessary property?

A. They may purchase necessary real or personal property. Money may come from county tax funds or through gifts from people who would like to donate for this type of facility. Gifts of money received will be deposited in a fund and must be used for the purpose for which they were donated.

Q. Must county tax monies be used in the year they are appropriated?

A. It is possible for the County Council to set up a non-reverting capital fund whereby the money appropriated each year does not revert back to the general fund at the end of the calendar year. Rather, it accumulates until the fund becomes sufficient to purchase the desired real or personal property.

Q. Can a county park department take a private landowner's property?

A. This department, like other units of local government, may exercise the power of eminent domain under authority of any laws generally made available for this purpose. They must, however, follow strict rules of procedure which assure fair treatment for property owners through the courts.

Q. Who operates the properties owned by the County Department of Parks and Recreation?

A. The Park Board has the responsibility of operation. It can hire any help needed to operate the facilities. Special or temporary services such as concessions can be contracted. However, operation of the total recreation program cannot be leased to individuals, corporations or private agencies.

Q. Is this department liable for events that occur on this property?

A. The Department of Parks and Recreation can sue or be sued. Recreation is generally considered to be a proprietary function in Indiana, and the Board and its employees can be sued for negligence.

Q. What police protection can be provided for the properties and their users?

A. The Department of Parks and Recreation can: (1) call on the existing state, county or city law enforcement agencies to provide necessary police protection or (2) hire necessary police to protect the facilities and its users.

HOW IS IT SUPPORTED?

Q. Can this board levy taxes in order to operate their department?

A. The board has no authority to levy taxes to provide for departmental operation.

Q. Are county park and recreation budgets "mandated" budgets?

A. No, the County Park and Recreation Board must prepare and submit an annual budget in the same manner as other departments of county government as prescribed by the State Board of Accounts.

Q. How can the board obtain funds?

A. The board can prepare an operational budget during the summer for the following year. This budget indicating needs for the next calendar year is submitted to the County Council for their approval. In addition, gifts and donations may be received for specific purposes, and other money can be obtained by charging the public for the use of certain recreation facilities and for programs.

Q. May the Park District issue bonds?

A. Bonds up to 2 percent of the county's assessed valuation may be issued. Money so obtained can be used for land acquisition and development. Approval of the County Council is necessary.

Q. Can the board use facilities other than those they own?

A. It is possible for the board to use, by agreement or lease, facilities owned by other government agencies, such as school corporations, that are needed to carry out the park and recreation program.

Q. Can more than one county work together?

A. Yes, under the "Park and Recreation Law," a multi-county park district can be formed. It is also possible for county and city park and recreation departments to combine to share personnel and to develop facilities useful to both.

CAN OTHER PROGRAMS ASSIST?

Q. How can County Park and Recreation Departments work with state and federal agencies?

A. Federal and state assistance programs come and go as elected officials change; however, there are two specific ones—"The Land and Water Conservation Fund" and the small watershed program "Public Law 566"—that have remained fairly constant over the years.

Q. What is "The Land and Water Conservation Fund"?

A. The Land and Water Conservation Fund is a 50-50 matching, reimbursing assistance program for acquisition and/or development of outdoor recreation sites and facilities. Funds are provided through the Heritage Conservation Recreation Services (HCRS), Department of the Interior, but the program is actually administered in the State by the Indiana Department of Natural Resources, Division of Outdoor Recreation.

Q. How can a county participate in the Land and Water Conservation Fund program?

A. Two basic requirements for participation are mandatory. First, the county must have a park and recreation board established under state statutes. Second, they must have an approved master plan for parks and recreation.

Q. Is that all there is to it?

A. Not quite. Once these two requirements have been met, the department submits its ordinance and master plan to the Division of Outdoor Recreation (IDNR) for review. Upon acceptance of the plan the department

becomes eligible to submit applications for 50/50 funding. The application must show that local financing is available and that plans, specifications, appraisals and cost estimates are in order.

Q. Will this guarantee that our project will be funded?

A. No, in recent years there have been more applications for matching money than there is money available. The Division of Outdoor Recreation evaluates each project, assigns a priority to it based on an approved formula. Those rating the highest are funded each year.

Q. Can Federal Revenue Sharing money and/or Community Development Act Funds be used as the local matching share?

A. Yes, these are the first programs that allowed local governments to use federal money as their share of funds to acquire additional federal monies.

Q. For what purposes could these funds be spent?

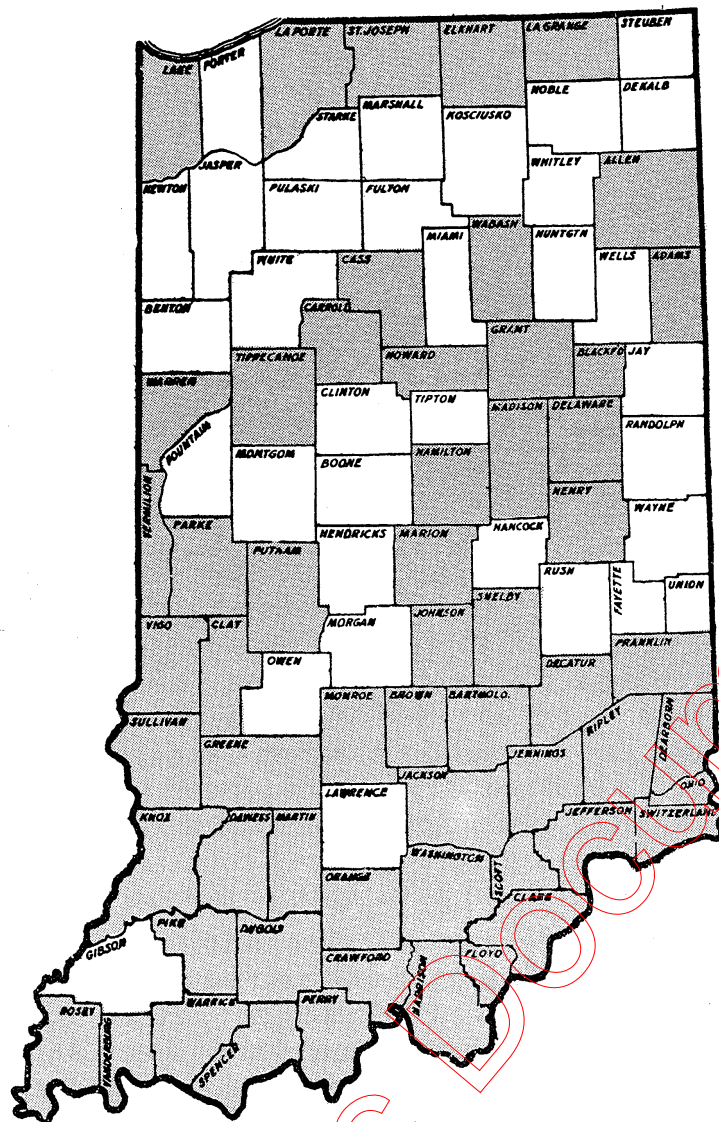
A. Basically for land acquisition and outdoor recreation facilities such as swimming pools and beaches, ballfields, tennis courts, trails, campgrounds, roads, utilities, and architectural and engineering fees.

Q. What is Public Law 566?

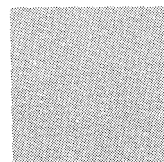
A. Public Law 566 is known as the Small Watershed Act. This program provides for federal assistance to local people for controlling floods and developing multi-purpose reservoirs on small watersheds up to 250,000 acres.

Q. How can the County Recreation and Park Department make use of this program?

A. Certain reservoir sites have multiple-use possibilities (i.e., flood control and recreation). However, a legal body is needed to cooperate with the conservancy district and the federal government to develop this reservoir for recreation. Recent amendment to Public Law 566 provide for recreation benefits and permit the government to share costs of development with local people.



**COUNTIES WITH
PARK AND RECREATION
BOARDS (58)
SEPTEMBER 1978**



Summary

Almost two-thirds of Indiana's counties have adopted legislation creating park and recreation boards for a variety of reasons. It may have been to develop the abandoned county farm into a park, or to take advantage of a gift of land that someone wanted to donate for park and recreation purposes. Other counties have felt the need to provide a variety of park and recreation programs and services simply because they are not offered by other units of government. Some counties have found it a convenient way to cooperate with state and federal assistance programs.

For whatever reasons, counties have elected to establish park and recreation boards. We know that it just doesn't happen without the concerted efforts of many individuals and groups with common interests in recreation, outdoor education, beautification, historic preservation and the protection of our natural resources. We hope this information will be helpful to you as you study and consider the alternatives available to you for developing your county park and recreation resources.

Q. Where can additional information be obtained?

A. Additional information is available from your County Extension Coordinator, or from the Indiana/Purdue Park and Recreation Specialist, Rm. 133, H.P.E.R., Bloomington, IN 47401 (812) 337-8037.

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